



State of Vermont
Office of the Secretary of State

Office of Professional Regulation
 89 Main Street, 3rd Floor
 Montpelier, VT 05620-3402
 sos.vermont.gov

James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director

To: Senate Health & Welfare and House Health Care Committees

From: S. Lauren Hibbert, Director, Office of Professional Regulation

Date: January 5, 2022

RE: Extension of Expiring Act 6 COVID-Related Flexibilities

Thank you for inviting me to testify before you this morning.

Act 6 has allowed the Office of Professional Regulation (OPR) to partner in the State’s COVID response, it has enabled OPR to license people who were otherwise precluded from licensure, and it has allowed for the Office to take action to protect the public from dangerous activity. Today’s testimony occurs when COVID numbers are skyrocketing and the healthcare workforce is facing significant challenges. The flexibility of Act 6 is still required today and OPR is recommending a few modifications that are informed from our experience since March of 2020, Act 21 telehealth work, or changes in the regulatory landscape.

Section 1 of Act 6 (section numbers below refer to the amended sections of the original statute):

Section of Act 90/140	Act 6 page	OPR’s Recommended Extension	Summary
9	4	March 31, 2023	Early refills of maintenance medications
17	5	Varies: <ul style="list-style-type: none"> • Telehealth: OPR would like to transition this to the Act 21 recommendations: Short-term Temporary Telehealth Registration; Long-term Telehealth Registration and Telehealth License. • Medical Reserve Core and staff within a Vermont facility: extend to March 31, 2023, for temporary staffing needs – OPR and the Healthcare Associations will work on a definition for “temporary” • Add a reference to the definition of health facility (18 V.S.A. §9432) 	The waives licensure requirements for out-of-state licensed health care professionals to provide services in Vermont: <ol style="list-style-type: none"> (1) By Telehealth (2) As a volunteer of Medical Reserve Corps (3) In a licensed facility or FQHC

18	8	March 31, 2023 & add a reference to the definition of health facility (18 V.S.A. §9432)	The ability for retired/inactive licensed health care professionals to provide services
20	10	March 31, 2023	Emergency authority for Director of OPR and Executive Director of BMP to act for boards
21	11	March 31, 2023	Authority for OPR Director and Commissioner of Health to issue emergency regulatory orders

Section 2a of Act 6:

12a (of Act 178)	14	March 31, 2023	Pharmacists' authority to order and administer COVID tests
------------------	----	----------------	--

Thank you for the brilliant and forward-thinking provisions in Act 91 (2020), Act 140 (2020), and Act 6 (2001). It enabled Vermont to be nimble and protective of its citizens.

I look forward to continuing this conversation in this legislative session.



S. Lauren Hibbert
Director, Office of Professional Regulation, Secretary of State